

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for TVI EcoCentre at the Orange County Great Park
SWIS No. 30-AB-0403
June 6, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the County of Orange Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for Tierra Verde Industries (TVI) EcoCentre at the Orange County Great Park, SWIS No. 30-AB-0403, located in the City of Irvine, owned by the Orange County Great Park Corporation and operated by the Tierra Verde Industries, Inc. The proposed new permit is to replace the existing Registration Permit, SWIS No. 30-AB-0403 and; the EA Notification, SWIS No. 30-AB-0401. In addition, as a condition of the Interim Use Permit issued by the City of Irvine on January 25, 2011, TVI - Marine Way Chipping and Grinding Facility, EA Notification, SWIS No. 30-AB-0399, will be required to cease operations before the opening of the expanded TVI EcoCentre. A copy of the proposed permit is attached. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on April 18, 2011. A revised proposed permit was received on May 4, 2011. Action must be taken on this permit no later than July 3, 2011. If no action is taken by July 3, 2011, the Department will be deemed to have concurred with the issuance of the proposed permit.

Proposed Project

The following are the parameters of the proposed project:

	Proposed New Full Permit 30-AB-0403
Name and Street Address of Facility	Tierra Verde Industries EcoCentre 8065 Marine Way, Planning Area 51 Irvine, CA 92618
Name and Mailing Address of Operator	Tierra Verde Industries, Inc PO Box 279 Irvine, CA 92650-0279
Name and Mailing Address of Owner	Orange County Great Park Corporation One Civic Center Plaza Irvine, CA 92623
Permitted Operations	a. Transfer/Processing Facility (MRF) Composting Facility
Permitted Hours of Operation	b. Receipt of Material: 6:00 a.m. to 6:00 p.m. Monday through Sunday All Other Operations: 24 hours/day Monday through Sunday
Permitted Maximum Tonnage	c. 3,000 Tons Per Day ⁽¹⁾
Key Design Parameters	d. Permitted Area (in acres) Total: 78.8 Transfer/Processing: 6.7 Composting: 31.3 Chipping and Grinding: 7.7 Permitted Capacity (cubic yards) Composting: 135,000 ⁽²⁾ Chipping and Grinding: 28,000 ⁽²⁾

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 27, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The proposed permit is for a new permit; therefore, a permit review is not applicable.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The LEA submitted a proposed solid waste facilities permit on May 4, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 4, 2011, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 23, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 1, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 4, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The LEA held a public information meeting on Tuesday, March 15, 2011, regarding the proposed new permit. No oral or written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed new Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The current operations and facility were inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on June 1, 2011. No violations of State Minimum Standards were noted.

Based on the LEA's monthly inspection reports, the existing facility currently permitted under Registration Permit No. 30-AB-0403 had not received any violations since it commenced operations in 2009. The existing operation, EA Notification No. 30-AB-0401, was found to be operating without a permit in March and June of 2007. The operation was found to be operating consistent with the requirements of notification tier in the subsequent quarterly inspection report dated November 29, 2007.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed new SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Irvine, Community Development Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The City of Irvine Community Development Department prepared an Environmental Analysis Checklist (Initial Study)/Mitigated Negative Declaration, 00498873-PPA & 00498874-PUD - SCH No. 2010111043, analyzing the impacts and supporting the continued operation and expansion of TVI EcoCentre. The Mitigated Negative Declaration was adopted by the City of Irvine on January 25, 2011. The document identified Hazards and Hazardous Materials as having a significant impact on the environment as the project site is listed by the California Environmental Protection Agency as a hazardous site on the Cortese List under Government Code Section 65962.5. Additionally, the site will be processing cathode ray tube glass from TVs and computer monitors which contain lead. The impacts were reduced to a level of less than significant impact through imposition of mitigation measures. All other environmental factors reviewed were determined to either have no impact or a less than significant impact.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Mitigated Negative Declaration as prepared by the City of Irvine Community Development Department, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit.

Department staff further recommends the Mitigated Negative Declaration is adequate for the environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration, and other documents and materials utilized by the Department in reaching its decision on

concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 524.04). 2000 census information indicates that the surrounding population is approximately 54% White, 3.6% African American, 3.6% American Indian or Native Alaskan, 4% Asian, 0.7% Native Hawaiian and Other Pacific Islander, 19.3% some other race, and 14.8% two or more races. 51.7% of the total population describe themselves as Hispanic or Latino. 0% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA held a public information meeting on Tuesday, March 15, 2011 at the Second Harvest Food Bank of Orange County, located at 8014 Marine Way, in the City of Irvine. No members of the public attended. No written inquiries regarding TVI EcoCentre have been received by the Department or LEA staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meeting on May 17, 2011.